

## **Remarks**

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 1, 5, 6, 20, 26, 30, 31, and 40 have been amended. No claims have been added or canceled. Thus, claims 1-40 are pending.

The Examiner is thanked for the careful attention paid to the present matter.

## **Claim Objections**

Claim 40 was objected to due to a clerical error in listing claim 40 as depending from claim 1 rather than claim 26. It has been corrected. Thank you for noting the error.

## **35 USC §112 ¶1**

Regarding the rejections under §112 ¶1 for claims 6, 11, 12, 31, 36, and 37 for reciting HTML, XML, determining loads, and selecting among resource managers, since these claims are part of the initially filed specification, if the Examiner is not persuaded by the following, Applicants propose to amend the main body of the specification to explicitly reference the recited terminology used in the initially filed claims.

Applicants believe a specification amendment is unnecessary in light of the present amendments to clarify inventive intent. However, it is not clear to Applicants whether the Office objects to reciting HTML and XML in the claims as being unsupported, or instead the Office rejects the combination of HTTP along with HTML and XML in the claims. In the latter case, then the rejection has been resolved through the amendments to claims 5, 6, 30 and 31.

However, if the rejection is based on reciting HTML and XML, rather than their combination with HTTP, then the Applicants must submit to the Office that both HTTP and HTML are thoroughly understood by ones skilled in the art (they are, after all, the foundation protocol and language for the Internet as we know it today). HTTP and HTML are interlinked in the art such that virtually every HTTP reference will define HTTP with respect to HTML transfer examples. Hence it is submitted the Office cannot realistically expect an artisan to know HTTP without being familiar with HTML. Therefore it is submitted there is no need to do more than recite in the claims how they may be used in the context of the described invention to enable one to effect the recited operations without undue experimentation.

Regarding XML (eXtensible Markup Language), as with HTML, it is another mainstay of the Internet and is also thoroughly well known. XML was developed by the W3C (World Wide Web Consortium), an international consortium involved with defining Internet standards for languages and protocols, including HTTP and HTML. XML is a pared-down version of SGML (Standard Generalized Markup Language), which is a system for organizing and tagging elements of a document. SGML itself does not specify any particular formatting; rather, it specifies the rules for tagging elements. These tags can then be interpreted to format elements in different ways. HTML is a subset of SGML, where its tags are one way of defining and interpreting tags according to SGML rules. As will be appreciated to those skilled in the art, SGML, HTML, and XML are all relatives, and HTTP is the traditional transport for them on the Internet.

Regarding load balancing and selecting among servers, the Examiner's attention is directed towards the beginning of the detailed description at page 3 line 19 which states "data access for data stored on the servers is routed through one or more central access points, or 'front end servers,' which in turn regulate, and translate if required, client accesses to data stored by the servers." See also page 5 line 21 at which is states "In one embodiment, multiple back end managers, not shown, may be storing the desired resource, and that known techniques for selecting one of the multiple managers may be employed." See also the Netscape Chapter 7 document cited by the Office and the discussion therein at page 3 regarding Proxying for Load Balancing.

Thus it is submitted the claims (as amended) reciting languages such as HTML and XML, and claims reciting determining loads and selecting among servers, are enabled based on the specification being directed towards the exemplary embodiments described in the specification including clients, servers, web browsers, accessing web resources, regulating access to servers providing the web resources, etc. Thus, the §112 ¶1 rejections have been and their withdrawal is respectfully requested.

The undersigned would **gladly** discuss the foregoing with the Examiner by way of a telephone interview if such would advance prosecution.

### 35 USC §112 ¶2

Claims 5, 6, 30 and 31 stand rejected as being indefinite. Regarding claims 5 and 6, Applicants appreciate the confusion in treating HTTP and HTML together and hence the claims have been limited to HTML and XML languages. Since tag based

languages such as SGML, XML, HTML, etc. are well understood by ones skilled in the art, inventive intent for these claims should no longer be unclear after the amendments.

### 35 USC §103

Claims 1-6, 13-16, 18-26, 28-31 and 38-40 stand rejected as being obvious over the Netscape collective in view of Goldberg's May 16, 1997 "CS 268 Final Project" (hereafter Goldberg).

Applicants traverse the rejections since there is no showing that the Netscape documents existed as presented in this Action as of the 1998 "updated" date referenced in the footer of the provided documents. The Office's assertion they have the same update date is merely to present data from ephemeral online documents. As the Office appreciates (and has argued in other Actions), web pages are transitory and cannot be relied on today to show what was available at some time in the past. Web pages are constantly changing over time, reflecting changes in understanding, interest and technology of a perceived reading/reviewing base.

It would be preferable if the Office would underlie its §103 rejections with a copy of content known to have existed before the present filing date, e.g., content archived *before* the present filing date, rather than with content accessed today that purports to have existed as of the filing date of the present matter since the latter is not readily provable. It is suggested the Office utilize a web archiving service, such as one found at <http://web.archive.org>, as such service might be able to show when these Netscape documents were publicly available and with what content. Results from such a service would at least have more color of reliability in supporting the present §103 rejections.

After some effort, in an attempt to discern a date for the Netscape documents, the undersigned located the following URL at the web.archive.org service:  
<http://web.archive.org/web/20010416023201/developer.netscape.com/docs/manuals/proxy/adminux/revpxy.htm> which appears to show the Chapter 7 Reverse Proxy referenced by the Office, but with a date of April 14, 2001. The archive service indicates this is the earliest archive date since 1996 when the archive service started archiving web pages. Given this April 2001 date predates the present matter's July 12, 2001 filing date, in an effort to facilitate prosecution, it will be assumed for the moment that the Netscape documents have a date of April 14, 2001.

However, it must be noted to the Office that the inventors submitted an invention disclosure form to the Intel legal department to document invention conception, and this document shows conception to be at least as early as August 2000. If the Office is not persuaded by the following, Applicants will swear back of the earliest known date of April 14, 2001 for the Netscape documents and request the Office prove an earlier date for the Netscape documents in order to maintain the rejections.

### **Claims 1, 20, and 26**

Regarding the rejections of claims 1, 20 and 26, in order to conclude prosecution expeditiously, these claims have been amended to recite:

retrieving a first portion of the resource from the resource manager according to the de-obscured resource locator, and a second portion of the resource from a second resource manager according to the de-obscured resource locator

Applicants respectfully suggest that neither the Netscape reverse proxy discussion in Chapter 7 nor the Goldberg document alone or one in combination of the other teach or

suggest the recited retrieving a first portion of the resource from the resource manager, while a second portion of the resource is retrieved from a second resource manager.

For support, see, e.g. the Specification at page 5 line 24 through page 6 line 2.

Thus it is submitted that the rejections of these claims are now moot and that claims 1, 20 and 26 stand ready for issuance.

Regarding dependent claims 2-19, 21-25 and 27-40, while these claims introduce limitations further distinguishing claimed embodiments over the documents relied on by the Office, except for claims 14 and 15, the §103 rejections based on the Netscape documents, Goldberg, Sasaki (US 2001/0013070), and Rodriguez are not being substantively reviewed at this time in order to focus prosecution on the allowability of the independent claims.

The dependent claims are believed allowable for at least the reason as depending from allowable base claims.

However, regarding claims 14 and 15 in particular, it is respectfully submitted that Goldberg does not teach providing an obscured portion to a separate location manager from which is received a de-obscured identifier from the separate entity. Goldberg instead teaches directly decrypting the encrypted portion of a URL, and that is not what is recited in claims 14 and 15.

**Conclusion**

For at least the foregoing reasons, Applicants submit that the rejections of the independent claims have been overcome as discussed above. Therefore, claims 1-40 are in condition for allowance and such action is earnestly solicited.

**Interview Request**

If the foregoing amendments and discussion is not deemed persuasive, the Examiner is respectfully requested to contact the undersigned by telephone as such contact would further the examination of the present application. Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

Date: November 26, 2004



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